IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6510 OF 2006

Prabhavati L. Manjrekar. .. Petitioner.

vs.

Mahadeo D. Manjrekar

& Ors. . .. Respondents.

Mr. Arvind Kundekar for petitioner.

Mr. M.H. Solkar, AGP., for respondent Nos. 3 & 4.

Mr. G.N. Gupta for Respondent No. 1.

CORAM : A.P. DESHPANDE, J.

DATE : 11th December, 2006.

P.C.

. By the present petition the petitioner is challenging an order passed by the Addl. Commissioner dated 23.8.2006 refusing stay to the order passed by the Collector. The Collector has passed an order partly allowing an appeal for setting aside the mutation entry no. 9086 in regard to the disputed land. The proceedings are RTS proceedings pending before the revenue authorities. The basic controversy is a civil dispute in regard the title of the property. Revenue entries do not

confer title on any of the party but are incident of title. The respondent no.1 has already filed a civil suit bearing No. 35 of 2005 which is pending on the file of the Civil Judge, Junior Division, Vengurla, Dist. Sindhudurg. The Addl. Collector has rightly observed that truly speaking the dispute filed before the authorities cannot be tried by him and need to be tried by the civil court. In view of the fact that the respondent no. 1 has already filed a civil suit which is pending in a civil court, there is no need to interfere with the impugned order. It is obvious that mutation entry which is the subject matter of these proceedings will be subject to the decision of the civil suit referred to hereinabove by the civil court. Thus, with this clarification the writ petition stands summarily dismissed.

(A.P. Deshpande, J.)